

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ DEC 12 2017 ★

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SEGUNDO JOSE BUESTAN,

BROOKLYN OFFICE

Plaintiff,

-against-

NOT FOR PUBLICATION
MEMORANDUM & ORDER
16-CV-6123 (CBA) (RER)

GAL BI MA EUL, INC. D/B/A GALBI MA
ELU; YUN KIM; and JING SHU KIM,

Defendants.

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AMON, United States District Judge:

The Court has received the Report and Recommendation (“R&R”) of the Honorable Ramon E. Reyes, Jr., United States Magistrate Judge, recommending that this action be dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure on account of plaintiff’s failure to prosecute. (See D.E. # 33.)

No party has objected to the R&R, and the time for doing so has passed. This is particularly illuminating in this instance given plaintiff’s past behavior of failing to litigate this case. When deciding whether to adopt a report and recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). To accept those portions of the R&R to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” Jarvis v. N. Am. Globex Fund, L.P., 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (internal quotation marks and citation omitted).

The Court has reviewed the record and, finding no clear error, adopts the well-reasoned R&R as the opinion of the Court. The Court notes that in the months since the R&R was issued,

plaintiff has not taken any actions with respect to this case. The case is dismissed without prejudice. The Clerk of Court is directed to enter judgment accordingly.

SO ORDERED.

Dated: December 11, 2017
Brooklyn, New York

s/Carol Bagley Amon

Carol Bagley Amon
United States District Judge